

**BOARD OF SUPERVISORS SCHEDULED MEETING
TUESDAY, FEBRUARY 19, 2019
6:30 PM**

The Appomattox County Board of Supervisors held a scheduled meeting on Tuesday, February 19, 2018 at 6:30 p.m. in the Appomattox County High School Auditorium, 198 Evergreen Ave. Appomattox, Virginia.

Appomattox County Board of Supervisors

Present:

Samuel E. Carter	Courthouse District, Chairman
Watkins M. Abbitt	Piney Mountain District
William H. Hogan	Appomattox River District
Chad E. Millner	Falling River District, Vice-Chairman
Bryan A. Moody	Wreck Island District

Also Present:

Susan M. Adams, County Administrator
Tom Lacheney, County Attorney
Johnnie Roark, Community Development Director
John Spencer, Information Systems Manager/Purchasing Agent
Vicky Phelps, Finance Director

Call to Order – Chairman Carter called the meeting to order at 6:30 p.m.
Handicap Accessibility Statement- Susan M. Adams, County Administrator
Pledge of Allegiance
Invocation – Supervisor Abbitt
Approval of Agenda

Ms. Adams asked the Board to add a Proclamation recognizing February 16-23, 2019 as National FFA Week.

Hearing no further changes to the Agenda, Mr. Millner made a motion to approve the amended Agenda. Mr. Hogan seconded Mr. Millner's motion. Chairman Carter called for a vote: Chairman Carter, aye; Abbitt, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

Setting a Public Hearing

Chairman Carter stated that the Planning Commission has forwarded a recommendation regarding an amendment to the Zoning Ordinance concerning enforcement of the ordinance. Staff is requesting that you set a public hearing at your next regular meeting to receive comments on this ordinance amendment.

Following discussion, Mr. Hogan made a motion to set a public hearing on an amendment to the Zoning Ordinance concerning enforcement of the ordinance as requested. Mr. Millner seconded Mr. Hogan's motion. Chairman Carter called for a vote: Chairman Carter, aye; Mr. Abbitt, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

Virginia Tobacco Region Revitalization Commission Project Endorsement Resolution for CVEC

Chairman Carter stated that for the Board's review and consideration is the Virginia Tobacco Region Revitalization Commission Project Endorsement Resolution. CVEC requested the Board's consideration for Phase II funding that will extend its Broadband footprint into the Pamplin area.

STAFF RECOMMENDATION: Consider the adoption of the Virginia Tobacco Region Revitalization Commission Project Endorsement Resolution supporting Central Virginia Electric Cooperative's request to be a co-applicant on the Broadband last-mile connectivity. The expansion of Broadband services will serve members who are served by the Pamplin substation.

VIRGINIA TOBACCO REGION REVITALIZATION COMMISSION PROJECT ENDORSEMENT RESOLUTION

WHEREAS, the Virginia Tobacco Region Revitalization Commission was created to help foster economic development in the tobacco-dependent communities of Southside and Southwest Virginia; and

WHEREAS, fast and dependable broadband has been recognized as an essential component of modern economic success; and

WHEREAS, the Virginia Tobacco Region Revitalization Commission has previously invested millions of dollars into building a world-class fiber broadband network throughout much of its footprint area; and

WHEREAS, the Virginia Tobacco Region Revitalization Commission has developed funding opportunities for "last mile" connections for homes and businesses in its footprint area; and

WHEREAS, there is substantial need for "last mile" connectivity in much of the County of Appomattox; and

WHEREAS, the County of Appomattox, along with co-applicants the County of Buckingham, the County of Prince Edward, and Central Virginia Electric Cooperative, will submit a Last Mile Broadband Program grant application requesting \$605,285 from the Virginia Tobacco Region Revitalization Commission's Research and Development Committee; and

WHEREAS, these funds will be used along with \$2,539,710 in matching funds from Central Virginia Electric Cooperative to provide world class broadband opportunities for 510 homes and businesses within the tri-county area currently served by Central Virginia Electric Cooperative's Pamplin Substation, including the Pamplin and Evergreen areas and Holliday Lake State Park in the County of Appomattox, as well as portions of the Counties of Buckingham and Prince Edward.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Appomattox County authorizes and supports the County of Appomattox to be listed as a co-applicant with the County of Buckingham, the County of Prince Edward, and Central Virginia Electric Cooperative for grant funds from the Virginia Tobacco Region Revitalization Commission to offset the cost of building fiber for Central Virginia Electric

Cooperative members served by the Pamplin substation.

BE IT FURTHER RESOLVED, that the Board of Supervisors of the County of Appomattox does hereby authorize the Board Chairman and/or County Administrator to sign all necessary grant program documents to execute the application, grant contract, and grant reports.

Mr. Hogan made motion to approve the adoption of the Virginia Tobacco Region Revitalization Commission Project Endorsement Resolution supporting Central Virginia Electric Cooperative's request to be a co-applicant on the Broadband last-mile connectivity. Mr. Millner seconded Mr. Hogan's motion. Chairman Carter called for a vote: Chairman Carter, aye; Mr. Abbitt, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

COMMITTEE APPOINTMENTS

Economic Development Authority Appointments

Chairman Carter stated that the Board of Supervisors requested that this agenda item be tabled at the January meeting and added to the February 2019 agenda. Please appoint a representative to fill the vacancy on the EDA. The County received two (2) Applications for Citizen Service from interested candidates, Nathan Simpson and Paul Coviello, and are attached for your review.

STAFF RECOMMENDATION: Appoint a representative to fill the vacancy on the EDA. Four year term limit begins immediately and ends December 31.2022.

Mr. Millner made a motion to appoint Mr. Nathan Simpson to fill the vacancy on the EDA with a four year term limit beginning immediately and ends December 31.2022. Mr. Hogan seconded Mr. Millner's motion. Chairman Carter called for a vote: Chairman Carter, aye; Mr. Abbitt, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

National FFA Week Proclamation

Chairman Carter read the following National FFA Week Proclamation for the Board's consideration for approval.

Whereas, FFA and agricultural education provide a strong foundation for the youth of America and the future of the food, fiber and natural resources systems; and

Whereas, FFA promotes premier leadership, personal growth and career success among its members; and

Whereas, agricultural education and FFA ensure a steady supply of young professionals to meet the growing needs in the science, business and technology of agriculture; and

Whereas, the FFA motto – "Learning to do, Doing to Learn, Earning to Live, Living to Serve"- gives direction and purpose to these students who take an active role in succeeding in agricultural education; and

Whereas, FFA promotes citizenship, volunteerism, patriotism, and cooperation.

Therefore, we do hereby designated the week of February 16 – 23, 2019. As National FFF Week.

Mr. Millner made a motion to adopt the National FFA Week Proclamation as presented. Mr. Moody seconded Mr. Millner's motion. Chairman Carter called for a vote: Chairman Carter, aye; Mr. Abbitt, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye

CONSENT AGENDA

Invoices Submitted For Payment

Please review the attached invoices and approve for payment:

February 7, 2019	\$30,258.62
February 15, 2019 - CSA	\$180,268.44
February 19, 2019	\$155,310.17
TOTAL:	\$365,837.23

Staff Recommendation: Please review and consider approval of the attached invoices for payment.

Department of Social Services

Please supplement by consent and appropriate the following:

5301-2002	VRS	\$9,880.15
5301-2006	Group Life	\$740.11
5301-2002	ICMA-RC	\$657.91
TOTAL:		\$11,278.17

RE: Reimbursement for January 2019 payroll deductions.

Staff Recommendation: No new local funds are required.

J. Robert Jamerson Memorial Library

Please supplement by consent and appropriate the following:

7301-5411	Books	\$186.75
7301-5401	Office Supplies	\$647.25
7301-5415	Summer Reading	\$10.00
7301-5201	Postage	\$13.44
TOTAL:		\$857.44

Staff Recommendation: No new local funds are required.

Sheriff's Department

Please supplement by consent and appropriate the following:

3102-1002	Overtime	\$1,003.70
3102-5408	Vehicle Power Equipment	\$172.00
	Supplies	
	TOTAL:	\$1,175.70

RE: Reimbursement from the School Board for deputy to perform security at High School (\$189.36) and reimbursement from Walmart for security performed by deputy during Christmas (\$814.34); Reimbursement from VACORP for repairs to windshield for 2014 Dodge Charger (\$172.00).

Staff Recommendation: No new local funds are required.

Sheriff's Department

Please transfer by consent **\$492.58** from the Courthouse Security Fund and supplement to the following:

3102-3004	Repairs/Maintenance	\$492.58
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RE: Replaced camera in the holding cell.

Staff Recommendation: Transfer the requested funds from the Courthouse Security Fund and supplement \$492.58 to 3102-3004.

Board of Supervisors - Operating Reserve

Please supplement by consent and appropriate the following:

1101-5804	Operating Reserve	\$250.16
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RE: Reimbursement from Courtland Park Foundation for bronze personalized bench plaques.

Staff Recommendation: No new local funds are required.

Circuit Court - Law Library

Please transfer by consent **\$469.00** from the Law Library Fund to the General Fund and supplement the following:

2101-5804	Law Library	\$469.00
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RE: Purchase of law library books by the Circuit Court Clerk for the Law Library.

Staff Recommendation: Transfer requested funds from the Law Library and supplement \$469.00 to 2101-5804.

Sheriff's Department

Please supplement by consent and appropriate the following:

3102-1001	Salaries & Wages	\$4,245.32
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RE: Reimbursement from VACORP for workers compensation claim on Sheriff's Department employee.

Staff Recommendation: No new local funds are required.

Mr. Hogan made a motion to adopt the Consent Agenda as presented. Mr. Millner seconded Mr. Hogan's motion. Chairman Carter called for a Roll Call Vote: Chairman Carter, aye; Mr. Abbitt, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

REPORTS AND INFORMATIONAL ITEMS

Robert E. Lee Soil & Water Conservation District Board of Directors Meeting Minutes

Chairman Carter stated that for the Board's review is a copy of the November 29, 2018 Monthly Board of Directors meeting minutes.

School-January Financial Report

Chairman Carter stated that for the Board's review is the January 2019 Financial Report from Dr. Bennett, Division Superintendent and Bruce McMillan, Director of Finance.

Chairman Carter reviewed the upcoming meetings as scheduled.

Chairman Carter called for a recess at 6:45 p.m.

At 7:00 p.m., Chairman Carter read the Code of Conduct for all persons attending the meeting and those who wished to speak during the scheduled public hearing

PUBLIC HEARING (7:00 PM)

Public Hearing-CUP180214-County Waste of Southwest Virginia

Chairman Carter presented **CUP180214-County Waste of Southwest Virginia, LLC (applicant), Delbert Beasley (property owner) BDI Properties LLC (property owner), Norm Walton (agent)** has requested a conditional use permit to operate a transfer station and recycling center on properties located off Richmond Highway (Route 460) in the Concord area. The two parcels total 34.5 acres in size and are identified as Tax Map Identification Number 60 (A) 53 and 60 (12) 12. Approximately 21.8 acres will be utilized for the facility. The properties are zoned A-1, Agricultural Zoning District and the uses are listed as conditional uses within the district. The area is designated as Richmond Highway Western Commerce Corridor and Primary Growth Area by the Comprehensive Plan.

Chairman Carter called on Mr. Roark for comments.

Mr. Roark stated that County Waste of Southwest Virginia, LLC, (CWSV) is a Virginia limited liability company formed in 2014 by County Waste of Virginia, LLC (CWV) with its acquisition of Beasley Disposal, Inc. CWV is the majority owner of CESV. CWSV operates throughout the entire southwest Virginia marketplace. CWSV has a recycling facility in Lynchburg and

recently entered into agreement with Botetourt County to operate, then close their landfill and convert it over to a transfer station.

CWV is a private, non-hazardous solid waste management company that provides collection, transfer, processing, recycling and disposal services throughout Virginia, specifically, it has operations in Fredericksburg, Culpepper, Charlottesville, West Point, Lynchburg, Roanoke and multiple locations in the Richmond area. They also have operations in northeaster and east central Pennsylvania near the Poconos, Stroudsburg and Scranton areas.

Mr. Roark explained that the proposed use of the transfer station and Recycling Center would utilize approximately 22 acres of the nearly 35 acre site. He reported that this tract is zoned A-1, Agricultural Zoning District and the uses as proposed are conditional uses within this zoning district.

Mr. Roark provided a brief history of the Beasley tract, which in year 2011 the Beasley tract was granted a local Conditional Use Permit for Resource Extraction (Clay Mining). In year 2013 the Virginia Department of Mines, Minerals and Energy permitted the site. Mining was permitted for 21 acres, and the latest report showed that 7.4 acres were mined. Mr. Roark reported that the VDMME permit on the property remains active.

Mr. Roark discussed the access to the “proposed site in which he explained that the Beasley tract has two (2) points to Stage Road.

Upon completion of Mr. Roark’s report, Chairman Carter called on the petitioner to come forward and address the Board.

Mr. William Shewmake, Attorney at Law, came forward to represent the applicant.

Mr. Shewmake stated that County Waste is the largest waster collection company in Central Virginia with more than 300,000 customers. He stated that Jerry Cifor serves as the Senior Vice President and Delbert Beasley as the General Manager.

Mr. Shewmake stated that the proposed transfer station and recycling center would provide the County and its residents a competitive and state disposal solution for at least the next 20 years. He stated the proposed transfer station would be located approximately 600 feet off Richmond Highway, just west of the intersection of Stage Road, on two parcels totaling 35.54 acres.

Mr. Shewmake reported that the proposed Transfer site is consistent with the County Comprehensive Plan.

Mr. Shewmake reported that County Waste operates four transfer stations in the state. He stated that over the course of more than eight years of operating transfer stations in Virginia. County Waste has never had a single notice of violation, nor have they ever had a single odor complaint on file with the Virginia Department of Environmental Quality.

Mr. Shewmake reported that County Waste is ample distance from neighboring homes. He stated that the closest home is 955 feet from the closet corner of the lot and 1648 feet from the transfer station building with dense forest in between.

Mr. Shewmake reported that the transfer station would not accept hazardous waste or sludge and all solid waste would be cleared from the transfer station each night and will then be transferred to a private landfill.

Mr. Shewmake reported that there would be minimal visibility at night. He stated that during operations, low impact directional lights would be used to keep light pollution down. The transfer station will close overnight and lighting will be reduced after closing to minimize its visibility at night. Low-level safety and security lights are the only lights to remain on overnight.

Mr. Shewmake reported that the transfer station site will be almost completely surrounded by existing tree coverage and more trees will be planted to create a buffer for not just noise but also to limit visual impact for neighbors. He stated that all of the waste transferring and compacting is done inside a building on the site. He stated that this greatly diminishes any concerns regarding noise and lingering odor.

Mr. Shewmake addressed water management by stating three storm-water ponds will be constructed using DEQ Best Management Practices required by state and local regulations to ensure the protection of Holts Branch Creek. He stated that all the water inside the transfer station building would be collected, hauled off-site and taken to a wastewater treatment facility to be treated. He stated that all trucks would be washed inside of the transfer station or in DEQ permitted wash pads, ensuring that any water used in that process will be collected, hauled off-site and treated at a facility.

Mr. Shewmake addressed the traffic flow by explaining that the traffic ingress to and egress from the site will have a minimal impact on the neighboring community. He stated that local traffic will enter the convenience center from Route 460. He stated that all waste collection truck traffic will enter the transfer station from Stage Road via Route 460. He reported that all of the waste collection trucks will return to Route 460 using Stage Road. He stated that they are working with VDOT to ensure that all tractor trailers (at most 15-20) also leave via Stage Road to Route 460. He explained that VDOT is planning to make road improvements to the intersection of Stage Road and Route 460 which will help alleviate concerns for truck traffic turning off and onto Route 460. He stated that County Waste has met with VDOT about additional road improvements that if feasible and approved would allow for trucks to use Stage Road without having to utilize Stonewall Road to return to Route 460.

Mr. Shewmake stated that there are no studies that exist which suggest that a house's proximity to a transfer station cause its value to decrease. He stated that in fact, the closest house to the County Waste Fredericksburg Transfer Station (770 feet) has seen its value increase exponentially over the past several years.

Mr. Shewmake discussed the proffered conditions by stating in addition to the state and local laws and permits, which regulate transfer stations, County Waste has agreed to a number of conditions.

Mr. Shewmake discussed the benefits to Appomattox County such as the host fees, jobs, real estate tax revenue, machinery and tools tax revenue, free waste disposal and recycling for County residents and Capital Improvement.

Mr. Shewmake then reviewed the timeline of the approval process.

Upon completion of the County Waste presentation by Attorney William Shewmake, he called for questions, comments from the Board.

Mr. Hogan questioned the average salary of County Waste employees. Mr. Shewmake stated that the average salary would be approximately \$60,000 including benefits.

Mr. Moody questioned the definition of hazardous waste.

Mr. Shewmake responded with the definition as defined by DEQ.

Hearing no further questions or concerns, Chairman Carter reiterated the code of conduct for the speakers and audience. He then called on the first speaker to approach the podium to address the Board.

Ms. Cheryl Job came forward and stated her address as 573 Sunset Ridge. Ms. Job spoke in opposition to the proposed transfer station.

Ms. Jean S. Mason came forward and stated her address as Stage Road. Ms. Mason spoke in opposition to the proposed transfer station.

Mr. Wayne Campbell came forward and stated his address as 264 Bench Rest Lane, Concord. Mr. Campbell spoke in opposition to the proposed transfer station.

Mr. Wellesley Hargrove came forward and stated his address as 618 Whitetail Road. Mr. Hargrove spoke in opposition to the proposed transfer station.

Ms. Alison Guthrie came forward and stated her address as 7207 Stage Road. Ms. Guthrie spoke in opposition to the proposed transfer station.

Ms. Gloria Weaver came forward and stated her address as 566 Whitetail Road. Ms. Weaver spoke in opposition of the proposed transfer station.

Ms. Elizabeth Duncan came forward and stated her address as 7235 Stage Road. Ms. Duncan spoke in opposition to the proposed transfer station.

Mr. Vic Job came forward and stated his address as 573 Sunset Ridge, Concord. Mr. Job spoke in opposition to the proposed transfer site.

Mr. Jim Nelson came forward and stated his address as 498 Whitetail Road. Mr. Nelson spoke in opposition to the proposed transfer station.

Mr. Brian Dudis came forward and stated his address as 350 Whitetail Road. Mr. Dudis spoke in opposition to the proposed transfer station.

Mr. Trevor Hipps came forward and stated his address as 6983 Stage Road. Mr. Hipps spoke in opposition to the proposed transfer station.

Ms. Pam Campbell came forward and stated her address as 264 Benchrest Lane. Ms. Campbell spoke in opposition to the proposed transfer station.

Mr. Dennis Torrence came forward and stated his address as 4878 River Ridge Road, Appomattox. Mr. Torrence spoke in opposition to the proposed transfer station.

Mr. Mark O'Brien came forward and stated his address as 143 Spring Drive. Mr. O'Brien spoke in opposition to the proposed transfer station.

Mr. Shane Carwile came forward and stated his address as 103 Tallyho Road, Concord. Mr. Carwile spoke in opposition to the proposed transfer station.

Ms. Beck Nix came forward and stated her address as 53 Sleigh Ride Circle, Concord. Ms. Nix spoke in opposition to the proposed transfer station.

Mr. Gary Gilliam came forward and stated his address as 201 Turkey Road, Appomattox. Mr. Gilliam spoke in opposition to the proposed transfer station.

Mr. Ted Skirvan came forward and stated his address as 623 Whitetail Road. Mr. Skirvan spoke in opposition to the proposed transfer station.

Mr. Bob Weaver came forward and stated his address as 566 Whitetail Road, Concord. Mr. Weaver spoke in opposition to the proposed transfer station.

Ms. Janet Lewis came forward and stated her address as 66 Stonewall Road. Ms. Lewis spoke in opposition to the proposed transfer station.

Ms. Linda Wall came forward and stated her address 7140 Oakville Road, Appomattox. Ms. Wall spoke in opposition to the proposed transfer station.

Ms. Sandy Sturgell came forward and stated her address as 664 Stonewall Road. Ms. Sturgell spoke in opposition to the proposed transfer station.

Mr. Christian Raymond came forward and stated his address as 285 Clark Road. Mr. Raymond spoke in opposition to the proposed transfer station.

Mr. Phillip Jamerson came forward and stated his address as 259 County Club Road. Mr. Jamerson spoke in support of the proposed transfer station.

Ms. Kay Haskins came forward and stated her address as 6731 Stage Road, Concord. Ms. Haskins spoke in opposition to the proposed transfer station.

Ms. Cindy Hall came forward and stated her address as 414 Stonewall Road, Concord. Ms. Hall spoke in opposition to the proposed transfer station.

Ms. Janice Marston came forward and stated her address as 566 Police Tower Road, Appomattox. Ms. Marston spoke in opposition to the proposed transfer station.

Ms. Felicia Pickrel came forward and stated her address as 607 Stratford Road. Ms. Pickrel spoke in opposition to the proposed transfer station.

Mr. William Briggs came forward and stated his address as Concord. Mr. Briggs spoke in opposition to the proposed transfer station.

Ms. Carol Bowman came forward and stated her address as 2221 Horseshoe Road, Appomattox. Ms. Bowman spoke in opposition to the proposed transfer station.

Ms. Karen Angulo came forward and stated her address as Denali Lane, Concord. Ms. Angulo spoke in opposition to the proposed transfer station.

Mr. Jerry Boyce came forward and stated his address as 294 Bible Baptist Road. Mr. Boyce spoke in opposition to the proposed transfer station.

Ms. Donna John came forward and stated her address as 169 Richland Drive. Ms. John spoke in opposition to the proposed transfer station.

Mr. Paul Harvey came forward and stated his address as 168 First Street. Mr. Harvey spoke in support of the proposed transfer station.

Mr. Lyle Schweitzer came forward and stated his address as Rollin Acres, Goode Virginia. Mr. Schweitzer spoke in opposition to the proposed transfer station.

Mr. Phillip Moore came forward and stated his address as 2105 Trent Hatchery Road. Mr. Moore spoke in support of the proposed transfer station.

Mr. Matt Cline came forward and stated his address as 236 Farm Meadow Drive, Campbell County. Mr. Cline spoke in opposition to the proposed transfer station.

Mr. Mark Ferguson came forward and stated his address as Stage Road, Concord. Mr. Ferguson spoke in opposition to the proposed transfer station.

Ms. Sally Coleman came forward and stated her address as 12658 Richmond Highway. Ms. Coleman spoke in opposition to the proposed transfer station.

Mr. Gary Coleman came forward and stated his address as 12658 Richmond Highway. Mr. Coleman spoke in opposition to the proposed transfer station.

Ms. Olivia L. Coleman came forward and stated her address as 12658 Richmond Highway. Ms. Coleman spoke in opposition to the proposed transfer station.

Ms. Cecil Gunter came forward and stated her address as 109 Circle Court, Lynchburg, Virginia. Ms. Gunter stated that she was speaking to represent her husband Eddie Gunter who asked her to come and speak, as he was unable to attend. Ms. Gunter stated that Mr. Gunter does not have an issue with the proposed transfer station, but he hates to see Appomattox leave the Regional Landfill. Ms. Gunter asked the Board to please take under consideration how this will affect Campbell County residents with their decision.

Mr. Rusty Nix came forward and stated his address as Village Highway, Concord. Mr. Nix spoke in opposition to the proposed transfer station.

Mr. Michael Chambers came forward and stated his address as 152 Trotter Lane, Concord. Mr. Chambers spoke in opposition to the proposed transfer station.

Ms. Heather Carwile came forward and stated her address as 103 Tallyho Road, Concord. Ms. Carwile spoke in opposition to the proposed transfer station.

Mr. Bobby Fulton came forward and stated his address as 1374 Stonewall Road, Concord. Mr. Fulton spoke in opposition to the proposed transfer station.

Chairman Carter thanked the School Staff for their hard work on preparing the high school auditorium for tonight's meeting. He thanked Mr. Timmy Garrett for setting up and working with County staff to provide the audio and visual effects. Chairman Carter also thanked Sheriff Letterman and the deputies for being present to ensure the safety of all who are present.

Chairman Carter then called on Mr. Shewmake on behalf of the petitioner to come forward to provide any closing statements that he wished to make.

Mr. Shewmake came forward and stated that this facility will be located in a commercial corridor and will be located exactly where it will be going along with the comprehensive plan.

Mr. Shewmake addressed comments that were made regarding Mr. Beasley speaking in Campbell County to oppose an apartment building. He stated that Mr. Beasley was opposed to the fact that there were no conditions on the apartments which is exactly opposite of what is proposed with the proposed facility. He stated that conditions are a good thing and County Waste wants to be a good neighbor.

Mr. Shewmake addressed statements regarding the traffic and rodents and also explained that this facility will be a heavily regulated business. He stated that DEQ would be coming two times a year with no announcement to inspect. He stated that this business could be a substantial benefit to the County.

Mr. Shewmake stated that County Waste is committed to being a good neighbor and he looks forwards to working with the County.

Chairman Carter called for a ten minutes recess at 10:00 p.m.

Chairman Carter called the meeting back in session at 10:10 p.m.

ACTION ITEMS

Consideration of CUP180214-County Waste of Southwest Virginia

Chairman Carter stated that at the February 13, 2019 meeting of the Planning Commission, the Planning Commission voted 6-1 (Mills) to recommend approval of the Conditional Use Permit petition for County Waste of Southwest Virginia to locate a transfer station and recycling center

in the Concord area. A resolution has been prepared for your consideration that includes the Planning Commission's recommendation with conditions.

**A RESOLUTION GRANTING A
CONDITIONAL USE PERMIT (180214) IN THE WRECK ISLAND DISTRICT FOR COUNTY
WASTE OF SOUTHWEST VIRGINIA (APPLICANT), BDI PROPERTIES, LLC AND DELBERT
BEASLEY (PROPERTY OWNERS) TO LOCATE A TRANSFER STATION AND RECYCLING CENTER
OFF OF RICHMOND HIGHWAY IN CONCORD, VIRGINIA**

WHEREAS, BDI Properties, LLC and Delbert Beasley (Property Owners), County Waste of Southwest Virginia (Applicant) has applied for a conditional use permit to operate a transfer station and recycling center off Richmond Highway, near Stage Road. The properties zoning is A-1, Agricultural Zoning District. The properties are further identified as Tax Map Identification Number 60 (A) 53 and 60 (12) 12 and are located on the north side of Richmond Highway near the intersection of Stage Road in the Concord community; and

WHEREAS, the land use "Transfer Station" is a conditional use within the A-1, Agricultural Zoning District; and

WHEREAS, the land use "Recycling Center" is a conditional use within the A-1, Agricultural Zoning District; and

WHEREAS, the petition was referred to the Planning Commission, which held a duly advertised and noticed public hearing on January 9, 2019, and the Planning Commission received comments from the general public; and

WHEREAS, the Planning Commission, having tabled the matter at the January 9, 2019 meeting, reconvened for its regular monthly meeting on February 13, 2019, weighed these comments and information related to the zoning, land use, transportation, environment, the comprehensive plan and other factors; and found that for reason of public necessity, convenience, general welfare, and good zoning practice, the Planning Commission should recommend approval of the petition with the following conditions;

1. The project will generally conform to the concept plan dated December 10, 2018 and submitted with the petition December 10, 2018, subject to changes arising from Condition 4.
2. All applicable local, state, and federal laws will be followed, specifically the requirements of the Virginia Department of Environmental Quality as authorized in Code of Virginia § 10.1-1408.1 and the Virginia Administrative Code 9 VAC20-81-400 through 9 VAC 20-81-600.
3. The petitioner shall negotiate and execute a binding Host Agreement with the County of Appomattox, Virginia prior to the commencement of any construction activity. The Host Agreement shall include, but may not be limited to, the duration of the Host Agreement, operational issues, rates and fees charged to the County, host fees, annual reporting and certification, decommissioning or closure of the site, and insurance or indemnification.
4. Entrance locations shall be approved by the Virginia Department of Transportation (VDOT) and all improvements shown on the summary page in the Traffic Impact Analysis dated December 10, 2018, or as otherwise approved by the VDOT, shall be installed at the expense of the petitioner as part of the original construction of the project. The petitioner will obtain a Land Use Permit from VDOT prior to approval of the site development plan for any work to be performed within the VDOT right of way. To the extent applicable, the petitioner shall coordinate improvements with VDOT's Smart Scale project, including any improvements to the intersection of Route 460 and Stage Road.

5. A convenience center, open to the general public, may be located at this site at a future date as shown on the concept plan dated December 10, 2018, subject to Condition 4. The convenience center shall be considered part of the transfer station.
6. The area immediately surrounding the transfer station building and the area utilized as the proposed convenience center, including all ingress/egress points for the site accessible by the general public, or any roadway interior to the project used to connect the transfer station to the public right of way, shall be paved.
7. No solid waste shall be landfilled or buried on either Tax Map 60 (A) 53 and 60 (12) 12 in association with the operation of the transfer station or recycling center.
8. The transfer station and recycling center shall only accept waste for disposal that is allowed to be disposed at a municipal solid waste facility as defined and allowed by the Virginia Department of Environmental Quality and the US Environmental Protection Agency. Provided, however, sludge shall not be accepted.
9. Lighting: All exterior lighting fixtures shall be designed, located and arranged so as not to direct glare on adjoining streets or properties. The intensity at the adjoining street or external property line shall not exceed 0.5 foot candles. Standard NEMA dusk to dawn lights shall be installed with a shield to direct glare downward.
10. No private well water shall be utilized for potable or non-potable purposes. The petitioner shall connect to the Appomattox County Waterworks System, which is adjacent to the property along Richmond Highway. A water reclamation system, or other reusable system, may be installed to reuse as much water, as possible.
11. Except for the convenience center, all solid waste received at the transfer station shall be unloaded inside of an enclosed building and transferred to enclosed tractor trailer units for hauling to its final destination. The enclosed building shall be constructed to have a concrete floor and concrete walls. The concrete wall shall be a minimum of five feet in height, then transitioning to other suitable material. The enclosed building used for the transfer station shall have a water reclamation system that will deposit used, or gray, water to an underground storage facility. The underground storage facility will be maintained as needed and the contents disposed of at a municipal sewage treatment facility. The floor area of the enclosed building shall be clear of solid waste at the end of each business day. Except for emergencies, tractor trailer units containing solid waste ready for transport shall not remain on-site for more than a 24-hour period.
12. Setbacks and Buffers
 - A 50-foot buffer, as measured from the property line shall be maintained as a vegetative/natural buffer around the perimeter of the transfer station and recycling center. The existing vegetation within this area may serve as a sufficient screen with infill areas, as needed, determined by the Zoning Administrator at the time of construction. The buffer area should contain any combination of evergreen trees, shrubbery, or other suitable natural material in order to serve as a barrier to vision and/or noise and shall meet the buffer plantings criteria below. A security fence may be permitted within the buffer area, disturbing no more than a ten (10) foot wide linear area for placement and/or maintenance. No other structure or land disturbance may occur within the buffer area, except for egress/ingress crossing locations.

- Setbacks do not apply to fencing, landscaping, roads, or utility poles necessary for the operation of the convenience center, transfer station or recycling center.
- Buffer plantings shall consist of a combination of the following: one (1) evergreen tree with a minimum height of six (6) feet at the time of planting, planted every fifteen (15) feet, one deciduous tree with a minimum caliper of two (2) inches at the time of planting, planted every ten (10) feet and one (1) evergreen shrub with a minimum height of four (4) feet planted every ten (10) feet. Creative landscaped groupings are encouraged. Existing vegetation may supplement at the discretion of the Zoning Administrator.
- All plantings located within the buffer area shall remain alive and in good condition in perpetuity. The petitioner shall be responsible for the ongoing protection and maintenance of all required landscaping in a manner consistent with the approved final site development plan.

13. The petitioner shall post a 24-hour contact number for emergencies, complaints or concerns involving the facility. The contact number shall be placed in a readily available location open to the public.
14. The petitioner shall monitor and clean up, on a daily basis, any trash or debris along all right of ways within 500 feet of each commercial entrance. With permission of any adjoining property owner, the petitioner shall remove any windblown trash or debris from adjacent properties, if such items originated from the transfer station/recycling center or from trucks transporting to/from the facility.
15. A Land Disturbance Permit shall be required prior commencement of land clearing activities and prior to issuance of the Building Permit. A Virginia Stormwater Management Permit (VSMP) shall be required prior to issuance of the Land Disturbance Permit. Appomattox County is currently not a local VSMP authority, meaning that the Virginia Department of Environmental Quality (VDEQ) regulates stormwater management in accordance with Virginia laws on behalf of the County. A VSMP must be granted by VDEQ if land disturbance is greater than one (1) acre or part of a common plan of development; and

WHEREAS, the petition has been duly advertised and noticed for public hearing before the Board of Supervisors on February 19, 2019, with said public hearing being held and comments received; and

WHEREAS, the Board of Supervisors finds that the proposed uses are consistent with the comprehensive plan, the zoning ordinance, and good zoning practice and would generally promote the health, safety, and general welfare of the public;

NOW, THEREFORE BE IT RESOLVED, the Board of Supervisors hereby grants County Waste of Southwest Virginia (applicant), BDI Properties, LLC and Delbert Beasley (property owners) a conditional use permit, including said conditions, to locate a transfer station and recycling center in concurrence with the recommendation of the Planning Commission.

Mr. Abbitt made a motion to approve the resolution as presented. Mr. Millner seconded Mr. Abbitt's motion. Chairman Carter called for questions.

Mr. Millner questioned how the trash and debris would be handled.

Mr. Lacheney stated that in the presented resolution, condition #14 was amended today to address this concerns.

Mr. Hogan stated that he would like to explain his vote. He stated that he appreciates everyone and their opinion that have spoken tonight. Mr. Hogan stated that there had been a lot of misinformation in the public; he explained that his decision is based on facts not on the unknown.

Mr. Hogan explained that he had made visits to some of these sites and some were announced and some were unannounced. He stated that his decision was based on a lot of thought.

Mr. Hogan stated that he felt the environment concerns have been addressed. He stated that the traffic is something that we can't do anything about. He stated that in looking at the land value concerns, that staff has looked into this issue and data does not show that values will go down.

Mr. Hogan explained that Campbell County has voted to not increase the size of their landfill and we have to have somewhere to take our trash.

Mr. Hogan stated that truck traffic is a major concern that he has and he has the intent to put this issue into the host agreement

Hearing no further comment, Chairman Carter called for a Roll Call Vote: Chairman Carter, aye; Mr. Abbitt, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, nay.

UPCOMING MEETINGS

Thursday, February 28 2019 @ 6:00 PM

Budget Work Session

County Administration Conference Room

153-A Morton Lane, Appomattox, Virginia

Thursday, March 14, 2019 @ 6:00 PM

Joint Meeting with School Board

School Board Office

316 Court Street, Appomattox, Virginia

Thursday, March 14, 2019 @ 7:00 PM

Budget Work Session

County Administration Conference Room

153-A Morton Lane, Appomattox, Virginia

Monday, March 18, 2019 @ 6:30 PM

Regular Scheduled Meeting

Board of Supervisors Meeting Room

171 Price Lane, Appomattox, Virginia

ADJOURNMENT

Mr. Abbitt made a motion to adjourn the scheduled meeting at 10:22 p.m. Mr. Hogan seconded Mr. Abbitt's motion. Chairman Carter called for a vote: Chairman Carter, aye; Mr. Abbitt, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

The scheduled meeting adjourned at 10:22 p.m.

Samuel E. Carter, Chairman